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November 12, 2018

**Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: USTelecom Forbearance Petition, WC Docket No. 18-141**

Dear Ms. Dortch:

U.S. TelePacific Corp., Mpower Communications Corp., and Arrival Communications, Inc. all d/b/a TPx Communications ("TPx") file this written ex parte letter regarding the continued need for access to incumbent local exchange carrier ("incumbent LEC") Operations Support Systems ("OSS") and 911 databases as unbundled network elements ("UNEs").<sup>1</sup>

Competitive local exchange carriers ("competitive LECs") like TPx rely on incumbent LECs' OSS and 911 UNEs to serve their customers. TPx uses OSS and 911 UNEs to access 911 records to provide service to its non-UNE based customers, including customers that TPx provisions service to using Ethernet and special access circuits. The record shows that other competitive LECs also rely on access to these UNEs to serve their customers.<sup>2</sup>

The data USTelecom and other incumbent LECs submitted is insufficient to support the forbearance USTelecom seeks from loop and transport unbundling obligations.<sup>3</sup> And USTelecom did not even attempt to establish the "convincing evidence and analysis" required to justify forbearance from OSS and 911 unbundling obligations. While USTelecom provided at least *some* data to support its forbearance request for UNE loops, it provided *no* data to support its request that the Commission forbear from incumbent LECs' obligation to offer OSS and/or 911 UNEs. As Cox noted, USTelecom's Petition has a single reference in a "catchall sentence" to OSS and 911 UNEs.<sup>4</sup> Rather than rebut its opponents' arguments about the lack of data or justification to end OSS and 911 unbundling obligations, USTelecom asserts that "the Petition ... demonstrated that unbundling in general is burdensome and undermines competition – a rationale that applies to all elements, including [OSS and 911 UNEs]."<sup>5</sup> Even if the Commission were to determine –

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<sup>1</sup> See Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141, p. 27 (filed May 4, 2018).

<sup>2</sup> See Comments in Support of Motion for Summary Denial of Socket Telecom, LLC, WC Docket No. 18-141, p. 2 (filed Aug. 6, 2018) (stating that "Socket relies upon ... access to operations support systems" in competing with incumbent LECs).

<sup>3</sup> See Support for Motion for Summary Denial of U.S. TelePacific Corp., Mpower Communications Corp., and Arrival Communications, Inc., WC Docket No. 18-141, p. 3-5 (filed Sept. 5, 2018).

<sup>4</sup> See Motion for Partial Summary Denial and Comments of Cox Communications, Inc., WC Docket No. 18-141, p. 3-7 (filed Aug. 6, 2018); Reply Comments of Sonic Telecom, LLC, WC Docket No. 18-141, p. 3 (filed Sept. 5, 2018) (noting the lack of explanation from USTelecom as to how forbearance is justified for OSS).

<sup>5</sup> See Reply Comments of USTelecom, WC Docket No. 18-141, p. 26, n. 107 (filed Sept. 5, 2018).

incorrectly – that incumbent LECs should no longer be required to offer certain UNE loops and/or transport in some areas, the Commission should deny forbearance from OSS and 911 unbundling obligations.

Sincerely,



William P. Hunt, III  
Senior Vice President, General Counsel and Secretary  
U.S. TelePacific Communications Corp., Mpower  
Communications Corp, and Arrival Communications, Inc.  
all d/b/a TPx Communications

cc (via e-mail): Sue McNeil  
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